

In the U.S. District Court for
the Middle District of Alabama
RECEIVED

Charles A. Pearson ~~1001~~ NOV 29 A 9:48, No. 2:06-CV-828-MEF

V.

K.L. Byrd, et al

ROBERT P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Motion for Continuance (Rule 56(f))

Comes now the Plaintiff, pro-se pursuant to Rule 56 (f) F.R.Civ.P. with the above styled action.

- 1) Plaintiff was ordered to reply to the Defendant's response on or before 27 November 2006.
- 2) Plaintiff is pro-se and severely hampered in his efforts to properly effect this suit in being untrained in the law.
- 3) In order to properly identify and name all Defendants party to this action Plaintiff requires a minimum of discovery in accordance with Rule 33 and 34 F.R.Civ.P.
- 4) Plaintiff at this time is unable to "present by affidavit facts essential to justify the party's opposition", See attached affidavit.

Therefore, Plaintiff respectfully moves this court for a continuance and consideration of the enclosed motions; Motion to serve Interrogatories on Defendants, Motion for Joinder of Persons Needed for Just Adjudication, and Motion to Amend and Supplement Pleadings.

Plaintiff asserts that summary judgment for the Defendants is not appropriate and it is in the interest of justice to allow the requested continuance.

Certificate of Service

I hereby certify that the above and foregoing has been served upon clerk, U.S.D.C., P.O. Box 711, Montgomery, AL 36130 and Kimberly O. Fehl, 103 N. Perry St., P.O. Box 1111, Montgomery, AL 36101-1111 by U.S. mail.

Done this 25 day of November 2006

Charles A. Pearson pro-se

Charles A. Pearson #182691

1000 St. Clair Rd.

Springville, AL 35146-5582